IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated:Nainital the May 01st , 2006

Criminal Misc. Bail Application No. 291 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Deewan S/o Tej Singh
R/o Village Bhangadeowli
Patwari Circle Motiyapathar
Tehsil Jaiti, District Almora ……..Applicant

Versus

State of Uttaranchal ……Opposite Party

Arising out of case crime No. 2 of 2006
Under Sections 376 IPC
Patwari Circle Motiyapathar
District Almora

Hon'ble J.C.S.Rawat,J.

Heard Sri Dinesh Chauhan learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. It was contended that there is a delay of about 7 months in lodging the FIR. The victim is a married woman and she is aged about 24 years. It was contended that that the allegations made in the statement shows that the victim was a consenting party. Several meetings of Gram Panchayat were convened. The victim did not disclose the factum of rape to her family members. It was contended that the theory of giving threats is unbelievable. Considering the contentions, facts and circumstances of the case, it is fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

(**J.C.S.Rawat,J.)**

Dated 01.05.2006
LSR